



2-18-cr-00222-02

Honorable David A. Faber
United States Southern District Court
601 Federal Street
Room 1000
Bluefield WV 24701
June 11, 2020

Dear Your Honor:

I am writing to request your consideration for Compassionate Release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) based on my underlying medical conditions and my high risk of susceptibility to contracting COVID-19 as a result. I suffer from hypertension, asthma and obesity, my BMI is over 40. I take medication twice a day for my hypertension and there are still many days that it is higher than it should be. My asthma has gotten worse because I've gained a lot weight from the lockdown.

On May 18th 2020, pursuant to the BOP guidelines, I submitted a request for Compassionate Release to my Warden at FPC-Alderson. On May 22nd 2020 my request was denied by the Warden. To date, there have not been any requests, that have been granted at this facility. I am aware that many Federal Courts are no longer requiring the BOP administrative remedies to be exhausted before requesting the court's involvement in light of the COVID-19 pandemic and serious risk of harm. See United States v. Sawicz 8-cr-287 (EDNY Apr. 10, 2020); United States v. Miller 16-20-222-1 (Ed. Mich Apr. 9, 2020); United States v. Francis 18-cr-657 (3rd Cir.).

Your Honor, my concern is that the BOP, specifically FPC-Alderson is ill-equipped to properly respond to the COVID-19 pandemic. At FPC-Alderson, we cannot social distance, we do not get fresh air daily unless we are going to pick up our one hot meal each day for 15 minutes, and the open air living conditions make it impossible to protect ourselves from the spread of the virus once it arrives. Courts recognize that the Federal BOP is ill-equipped to withstand the COVID-19 pandemic and understand that it must be taken seriously or we may suffer fatal effects. United States v. Muniz, case No. 4:09-cr-199, DKT no. 578 (S.D. Texas Mar. 30, 2020).

Many courts with inmates who have underlying conditions recognize the deadly threat that the virus has to individuals with

underlying conditions and agree that their vulnerability to contracting the virus is a basis for granting release. See United States v. Rodriguez, No. 2:03-cr-271-AB, DKT no. 135 (E.D. PA Apr. 1, 2020). The threat of COVID-19 is so serious that courts are granting Compassionate Release to movants who have underlying conditions even in BOP institutions where there are no confirmed COVID-19 cases on the grounds because the risk of harm to the inmate alone is sufficient to warrant the relief. See United States v. Brenda Benn 2:17 cr 30-1 (E.Dist. VA May 27, 2020) Ms. Benn was an inmate at FPC-Alderson who was granted Compassionate Release based on her high risk of susceptibility to contracting the virus by her judge. CNN has made it clear

that the next strand of the virus will ravage the rural towns. FPC-Alderson is located in a very rural location.

The medical center here has two doctors for 750 women and on any given day, their standard of care is subpar. The compound has no ability to handle an outbreak that is sure to come.

The three counties that surround the facility and that the camp sits on all have positive cases.

We have been on a medical quarantine since April 1, 2020 and there is no end in sight.

We are told it could go on until the end of the year. We have also been told that there will be no chronic care treatment until the medical quarantine ends. This is unacceptable.

In addition, the actual housing conditions at FPC-Alderson are further evidence

that the BOP is not taking the necessary precautions to protect us from contracting the virus. We encounter approximately 10 to 20 staff members in and around our cubicles. These individuals go on and off the compound daily and they travel in their same shoes. We now know that shoes are one of the greatest carriers of the virus.

The ventilation system is the same ventilation system that is in the quarantine unit used for the new admits. The air they breathe is the same air we breathe. The CDC says that fresh air is essential to prevention, yet we have all of our windows bolted down since the first week of the "medical quarantine" and have virtually no fresh air in our units.

Since the quarantine unit is connected by only a short hallway to our unit, we share the same staff and they do not disinfect themselves between range checks. The CDC has also said that the virus stays airborne around the individual for at least 15 minutes. All of this and Alderson-FPC is still accepting new commits at any given time. Each time, we are at risk of deadly exposure.

West Virginia was recently identified as a hot spot. The neighboring county to FPC-Alderson has had over 74 deaths. There are over 2000 cases confirmed in West Virginia and still less than 4% of the population has been tested.

Governor Justice has instructed testing of all WV state prisons

and has also called for the release of many prisoners. The BOP is still unconcerned. Our Warden Rehermen has indicated that there will be no mass testing at FPC-Alderson, unless there are symptoms. This behavior is reckless and a risk that should not have to be tolerated.

Your Honor, I was sentenced to 54 months. At the time of my sentence, there was no way the court could have contemplated the severity of the COVID-19 pandemic. The death toll and the number of severe cases in the BOP keep rising. The BOP is making efforts to reduce the prison inmate population, but they are not moving fast enough. Their lack of regard for human life is unfathomable. My sentence was for a time certain not

a death sentence.

If I am released, I will reside with my mother and grandmother at 304 Davis St. Huntington West Virginia. There I will have access to medical resources and I will be able to social distance and use bleach and other disinfectants I am not provided at FPC-Alderson. It is my hope that you will grant my request as presented. In the event that you require a more formal motion, I will turn to my attorney.

Thank you for your attention to this request and your consideration

Respectfully submitted,
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